

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

NATIONAL GRID COMMUNICATIONS, INC.,

Plaintiff

v.

**TOWN OF LENOX and LENOX ZONING
BOARD OF APPEALS,**

Defendants

CIVIL ACTION # 05-CV-30131-MAP

CERTIFICATION AS TO COMPLIANCE WITH LOCAL RULES 16.1(C)(3)(a)&(b) & 16.4

Counsel for the Defendants, and the Town Manager of the Defendant Town of Lenox and Lenox Zoning Board of Appeals, hereby certify that they have conferred together with a view to establishing a budget for the costs of conducting the full course of litigation in this case. Further, they have conferred to establish a budget for the various alternatives to a full litigation of this case.

Furthermore, they have also considered the resolution of the dispute through alternative dispute resolution programs as are outlined in Local Rule 16.4, and the Defendants do not wish to pursue such alternative programs at this time.

Respectfully submitted,

TOWN OF LENOX and LENOX ZONING BOARD OF APPEALS,

By: /s/ Gregory T. Federspiel
Gregory T. Federspiel
Town Manager
Town of Lenox, Mass.

By: /s/ Jerome J. Scully
Jerome J. Scully (BBO # 449660)

By: /s/ Anthony C. Blair
Anthony C. Blair (BBO # 653849)
Hannon, Lerner
184 Main Street, PO Box 697
Lee, Massachusetts 01238
(413) 243-3311
Facsimile: (413) 243-4919

Dated: September 7, 2005